

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STEVEN PIKE,

Petitioner,

v.

NO. 16-CV-01212-JCH-KBM

GREGG MARCANTEL, ATTORNEY
GENERAL OF STATE OF NEW MEXICO,

Respondents.

ORDER TO SHOW CAUSE

This matter is before the Court, *sua sponte*. On November 10, 2016, the Court denied Petitioner Steven Pike's Application to Proceed in District Court Without Prepaying Fees or Costs pursuant to 28 U.S.C. § 1915 and ordered Petitioner, within thirty days of the date of the order, to pay the \$5.00 filing fee or show cause for his failure to do so. [Doc. 4] The Court warned Petitioner that "[f]ailure timely to pay the filing fee, or to show cause, may result in the dismissal of this action without further notice." [Doc. 4] The thirty-day deadline has expired and Petitioner has not paid the \$5.00 filing fee, shown cause for his failure to do so, or otherwise responded to the Court's Order Denying Motion To Proceed *In Forma Pauperis*.

Within thirty (30) days of the date of this Order, Petitioner must pay the \$5.00 filing fee or show cause why this action should not be dismissed. Petitioner's failure to timely pay the filing fee, or to show cause why this action should not be dismissed, may result in the dismissal of this action without further notice. See *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003) (noting that Fed. R. Civ. P. 41(b) permits "courts to dismiss actions *sua sponte* for a plaintiff's failure to prosecute or comply with the rules of civil procedure or court's orders.")).

IT IS THEREFORE ORDERED that, within thirty (30) days of the date of this Order, Petitioner pay the \$5.00 filing fee or show cause why this action should not be dismissed.


UNITED STATES CHIEF MAGISTRATE JUDGE